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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,115	03/01/2000	Kenichiro Ono	35.C14334	3031

5514 7590 03/26/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
BOCCIO, VINCENT F	
ART UNIT	**PAPER NUMBER**
2615	7

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/516,115	ONO ET AL.	
	Examiner	Art Unit	
	Vincent F. Boccio	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Election*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) *16-21,24 and 27* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,22,23,25 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election With Traverse

1. Applicant's election with traverse of the invention elected Species I in Paper No. 6 is acknowledged.
The traversal is on the ground(s) that examination of 4 species is not burden and considered to be a reasonable number of distinct inventions.

This is not found persuasive because the examiner believes that there should only be claimed one distinct embodiment per application or one distinct invention per application and further the examiner considers that examining 4 different distinct species is clearly a burden to any examiner, because the time the examiner is allotted for examiner multiple inventions or species without restricting, doesn't guarantee any more time to examine the claims directed toward multiple distinct embodiments.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-13, 15, 22, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakazaki et al.(US 5,648,960).

Regarding claims 1, 8, 15, 22, Sakazaki discloses and meet the limitations associated with an information processing apparatus and a method, comprising the steps of:

- selecting means for selecting desired packets from the input stream data (Fig. 2 A), in which plural packets are multiplexed on a time division (A1, A2, B1, A3), basis (Fig. 2 B, "extracted packets");
- recording the stream data in a recording medium (Fig. 2 D, Fig. 1, "6") and reproducing the stream at a predetermined rate (col. 4, "VTR", when outputted, which meets the limitation of a memory);

- counter means for counting (Fig. 1, "Deleted Packet Detector 3") for counting the number (Fig. 2 c, represents the counted umber of packets removed, the number of removed packets represented by 0, 1, 2, 3, as shown, wherein the detector 3 removes and counts, while the data combiner combines the number of removed packets number information counted and encodes the number of removed packets removed, Fig. 2 D or E) of packets other than the desired packets in the input stream; and
- recording means for recording on the medium data of the desired packets and information indicating the number of the counted packets (VTR, represented by Fig. 2 D recording signal or Fig. E is the reproduction signal, having the removed counted packet number of the data other than the desired packets, or the removed packet counted numbers).

Regarding claim 2, Sakazaki further discloses wherein the input stream data is a Transport Stream based on MPEG 2 (cols. 1-2 etc…).

Regarding claim 3, Sakazaki further discloses wherein in accord to the MPEG 2 standard, anticipates wherein the input stream is a plural programs multiplexed on a time division basis (col. 1, lines 29-, "The transport stream packet is adapted to multi-program (multi-channel data) in which desired program packets can be extracted during decoding **from a plurality of programs transmitted in the time-division multiplex system."**).

Regarding claims 4-6 and 9-11, Sakazaki further meets the limitations associated with the reproduction of the recorded data by providing a reproduction means (VTR), generation means for inserting null packets a number same as that of the packets indicated by the information (Fig. 2 c), thereby generating a new stream data (Fig. 2 H), wherein the first and second data is transport stream base on MPEG2.

Regarding claims 5-6 and 12-13, Sakazaki further discloses a decoder for decoding (col. 7, lines 20-24, "… output data packet stream to the MPEG2 decoder (Not Shown), …"), the NEW stream or reproduced stream (Fig. 1, "11" or Fig. 2 h, reproduced stream with Null packets reinserted as removed) and further at (col. 1, lines 52-58), discloses and meets the

limitation of a monitor in view of a Television receiver or display, provided after the decoding the new stream.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7, 14 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakazaki et al.(US 5,648,960).

Regarding claims 7 and 14, Sakazaki discloses the memory device being a VTR and tape, but fails to disclose a wherein the record medium is a Hard Disk.

The examiner takes official notice that other well known viable alternative types of storage, are obvious to substitute for the VTR and Tape type recording and reproduction device, such as a hard disk is one of many well known devices know to be viable type of record medium device which can be used and therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Sakazaki by substituting a Hard Disk with the VTR, as is viable and obvious to those skilled in the art.

Regarding claims 25-26, Sakazaki fails to disclose a computer readable medium storing a program for information processing.

The examiner takes official notice that providing a computer readable medium for storing a program for information processing or a program to facilitate the method on an apparatus is obvious to those skilled in the art, therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Sakazaki by providing a computer readable medium with a program to facilitate the method on an apparatus with the program, as is well known one skilled in the art would have considered to be obvious to implement with a program or hardware implementation as is obvious to those skilled in the art.

Contact Fax Information

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:
(703) 872-9314, (for formal communication intended for entry)
or:
(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

1.Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent
3/19/04

VINCENT BOCCIO
PRIMARY EXAMINER